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Lorenzo Johnson v. Neal Mechling

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 08-2477

LORENZO JOHNSON,
Appellant
v.

NEAL MECHLING, SUPERINTENDENT;
COMMONWEALTH OF PENNSYLVANIA

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(No. 4-04-cv-01564)
District Judge: Honorable John E. Jones, III

Argued September 30, 2009

Re-Submitted Pursuant to Third Circuit LAR 34.1(a)
July 23, 2012
On Remand from the United States Supreme Court (No. 11-1053)

Before: MCKEE, Chief Judge, CHAGARES, and NYGAARD, Circuit Judges.

JUDGMENT ORDER

On July 19, 2004, appellant Lorenzo Johnson filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his convictions for first degree murder and conspiracy to commit murder in Pennsylvania state court. The District Court denied the petition but granted a certificate of appealability with respect to appellant's claim that the Commonwealth failed to present sufficient evidence to support his convictions. In a

divided opinion, this Court reversed the District Court's judgment and remanded with instructions to grant the writ of habeas corpus. On appeal, the Supreme Court of the United States reversed this Court's decision and remanded for further proceedings consistent with its opinion.

In accordance with the Supreme Court's per curiam opinion, Coleman v. Johnson, 132 S. Ct. 2060 (2012), it is hereby ORDERED and ADJUDGED that this Court's not precedential opinion, filed October 4, 2011, is hereby VACATED and the judgment of the District Court for the Middle District of Pennsylvania, entered on March 31, 2008, is hereby AFFIRMED. Appellant's motion for briefing and reconsideration of this Court's denial of a certificate of appealability with respect to appellant's Brady claim, filed July 23, 2012, is hereby DENIED. The Clerk is directed to issue the mandate upon the filing of this judgment order.

By the Court,

/s/ Michael A. Chagares
Circuit Judge

Attest:

/s/Marcia M. Waldron
Clerk

DATED: April 17, 2013